

LANCASTER COUNTY PLANNING COMMISSION

Minutes

August 21, 2014

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the Board meeting room of the Lancaster County Administration Building, Lancaster, Virginia.

Present were David Jones, Chair, Tara Booth, Vice-Chair, Robert Smart, David Chupp, Ty Brent and Glenn Pinn. Steve Sorensen was absent.

Also present were Don Gill, Planning/Land Use Director, Charlie and Anne Costello. Board of Supervisors Representative William Lee was absent.

Mr. Jones asked if there were any corrections or additions to the minutes of the July 17, 2014 meeting.

Mr. Jones moved to approve the July 17, 2014 minutes as submitted. **VOTE: 6-0.**

CONSIDERATION ITEM #1

REVISIONS TO THE ZONING ORDINANCE ARTICLE 23 – FLOODPLAIN OVERLAY DISTRICT

Mr. Jones asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was to revise the Zoning Ordinance Article 23 – Floodplain Overlay District as mandated by FEMA’s recent modifications to the Flood Insurance Rate Maps and Flood Insurance Study for Lancaster County.

Mr. Gill stated that on September 27, 2013, the Federal Emergency Management Agency (FEMA) completed its proposed modifications to the Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for Lancaster County. He stated that FEMA then conducted a 90-day statutory appeal period that ended on January 10, 2014 and issued its Letter of Final Determination on April 2, 2014. He stated that the new FIRMs and FIS become effective on October 2, 2014. He stated that, prior to that date, Lancaster County is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt a revised ordinance that complies with the new FIRMs and FIS.

Mr. Gill stated that the Virginia NFIP Office has reviewed our ordinance and suggested revisions to comply with current floodplain management regulations and all

suggested revisions are based on the minimum requirements of the NFIP regulations. He stated that any modification by the Planning Commission could not be less stringent than what has been suggested by the state NFIP Office. He added that the Planning Commission could suggest more stringent modifications, but practicality and economic feasibility must be considered. He stated that adoption of a revised ordinance which complies with the new FIRMs and FIS as modified by FEMA is basically a housekeeping issue.

Mr. Gill stated that one of the biggest changes is that the definitions section has been moved to the back of the ordinance to make room for an administrative section.

Mr. Gill stated that the County's Building Official, Steve Daum, would be present at the September meeting and he has stated that he would like the freeboard requirement changed from 18 inches to no less than 2 feet. He stated that freeboard is additional height above the base flood elevation.

Mr. Jones asked what the advantage would be of increasing the freeboard requirement.

Mr. Gill replied that Mr. Daum had attended a seminar on the issue and found out that there were some insurance premium benefits for increasing the freeboard. He stated that does not take into account construction costs and whether or not the increased costs outweigh any premium benefit.

Mr. Jones stated that it seems like the County would be dictating to homeowners what their insurance rates should be. He stated that decision should be up to the homeowner. He added that he knew there was a difference in the freeboard definitions that Mr. Daum was concerned about.

Mr. Jones stated that if it is a safety issue, then he is for it, but he does not want to place an undue burden on the homeowners.

Mr. Smart stated that the base flood elevation is the minimum federal standard and without it, one cannot obtain flood insurance and anything above that minimum should be the homeowner's decision.

Mr. Jones discussed some possible scenarios with additions and renovations if the requirements were changed which would create more undue burdens on the homeowner.

Mr. Gill stated that Mr. Daum would also like to change the County's definition of freeboard. He stated that the current definition says that freeboard is measured from the base flood elevation to the top of the first finished floor and Mr. Daum would like it measured from the base flood elevation to the bottom of the lowest horizontal structural member.

Mr. Gill stated that the Coastal A Zone is new with this ordinance. He stated that, in the past, there have been VE zones, which are based on wave action with waves greater than three feet tall. He stated that inland, behind the VE zones, are AE zones which extend from three feet tall waves to where there are no waves at all. He stated that new with this ordinance, the area from one and a half feet waves to three feet tall waves will be called the Coastal A zone. He stated that Mr. Daum would like to have VE standards required in the Coastal A zone since it is adjacent to the VE zones. He stated that some of those requirements included flood vents and breakaway walls. He stated that those requirements are additional costs of construction.

Mr. Jones stated that originally the selling point for him on the freeboard definition was that it was different from FEMA. He stated that now Mr. Daum wants to keep the 18 inches and possibly add a couple of more feet by changing the measurement from the top of the first finished floor to the bottom of the lowest horizontal structural member, which he thinks is unnecessary.

Mr. Jones stated that it is not the County's business what their citizens' insurances rates are and as long as the FEMA regulations are met, that should be enough, in his opinion.

Mr. Smart stated that as each year goes by, the estimation of the 100-year flood event becomes more refined and more conservative. He stated that additional topographic work has helped in refining the elevations. He stated that most of the variables have been ironed out and what the federal government has come up with is reasonable and adequate.

Mr. Gill stated that the overwhelming majority of the base flood elevations in the county are coming down.

Mr. Chupp asked why.

Mr. Gill replied that the answer given to him is simply better technology.

Mr. Gill stated that the maps will be digitized when they become effective and will be on the County's website. He stated that if there were any changes that the Commission would like to make to let him know. He stated that a public hearing will need to be conducted in September and that he would be speaking to the Board of Supervisors about the issue next week at their regular meeting. He stated that he has asked Mr. Daum to gather some information concerning the premium savings.

Mr. Smart stated that his opinion is that the ordinance is well written and he did not like to see the government get heavy handed. He stated that some discretion should remain with the homeowner.

Mr. Jones stated that the ordinance was reviewed by FEMA and they should know what they are talking about.

Mr. Smart made a motion to forward the Revisions to the Zoning Ordinance Article 23, Floodplain Overlay District to public hearing on September 18th at the next Planning Commission meeting. **VOTE: 6-0.**

Mr. Gill asked if the Planning Commission wanted him to summarize and present their discussion at next week's Board of Supervisors' meeting.

Everyone agreed.

Mr. Gill stated that there will be a FEMA meeting on September 11th at the Lancaster Middle School from 6 to 8 p.m. concerning the new flood maps and all are invited.

ADJOURNMENT

The August 21, 2014 regular meeting of the Lancaster County Planning Commission was adjourned at 7:30 p.m.